

Minutes of the IAG Committee on Labor-Management Relations

April 12, 1979.

Charles Feigenbaum, Deputy Assistant Director for Labor-Management Relations chaired the meeting. He distributed the new FSIP procedure form (Form FLRA 14, 1/79), an OLMR developed chronology of dues withholding under the Executive Orders, and a letter from Mr. Ingrassia to the FLRA. The letter was a follow-up to the recommendation made at the March 22, 1979, IAG meeting, that OPM write to the Authority, asking that, at a minimum, FLRA distribute a weekly summary of cases similar to that done by the NLRB.

Mr. Ingrassia announced the President's intention to exempt N.A.F. employees earning less than \$4.00 per hour from the 5.5% cap. The exemption, which is retroactive to October 1, applies only to amounts under \$4.00, thus the highest rate allowable is \$4.22, unless a 5.5 adjustment results in a higher rate.

Bill Owens, Justice, discussed a current case before the Special Counsel and MSPB involving the directed reassignments of four U.S. Deputy Marshalls. The basic issue is alleged retaliation for whistleblowing. The Marshalls, through their union, have also filed unfair labor practice charges alleging, among other matters, retaliation for protected union activity. The IAG members discussed the potential for overlap between the different adjudicatory bodies established by CSRA and the possibility of forum-shopping.

Dave Green, DoD, spoke about the FLRA's first substantive decision, NFFE and Arkansas National Guard FLRC No. 78A-151, in which FLRA overturned two non-negotiability determination made by the Guard during a Section 15 review.

Terry Haycock, Navy, discussed the first FSIP decision and order under CSRA. In Naval Weapons Station, Concord, California (Case No. 78 FSIP 9, Release No. 117, January 30, 1979), the Impasses Panel dealt with an official time question. The case is of interest in that the FSIP directed official time parameters for the union personnel at the activity with considerable specificity.

Mr. Feigenbaum informed the group of the following:

- Issues involving negotiation of performance standards have arisen as ULPs or negotiability disputes in a number of agencies.
- FLRA has accepted review of the VA consolidation case (A/SLMR No. 1016) and OPM will submit an amicus brief.
- OLMR will issue a weekly listing of FLRA decisions to IAG members.

- OPM is issuing an FPM Letter on third-party case coordination. It was agreed that copies would be sent to IAG members for comment.
- The March 23, 1979, Federal Register contains MSPB interim regulations. The included definitions of "Preponderance of Evidence", "Substantial Evidence" and "Harmful Error" are of interest.
- GAO is beginning a survey on labor management relations. HEW has already been visited by GAO representatives.
- The IAG listing of committee members is being updated.